

DOCKET NO.: B0801.70237US00

Indrews

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Michael R. Wessels et al.

Serial No.:

10/005,200

Confirmation No.:

8283

Filed:

December 5, 2001

For:

PREVENTION AND TREATMENT OF

STREPTOCOCCAL AND STAPHYLOCOCCAL

INFECTION

Examiner:

Vanessa L. Ford

Art Unit:

1645

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 9th day of May, 2005.

Christina P. Andrews

MAIL STOP Amendment

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The Applicant hereby states, as specified in 37 C.F.R. §1.97(e), that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.

No fee is required.

PART II: Information Cited

The Applicant hereby makes the following additional information of record in the aboveidentified application.

The above-identified U.S. application claims priority to application Serial No. PCT/US02/38826. If the Examiner has not had the benefit of review of the file history of PCT/US02/38826, then he/she is asked to contact the undersigned, who will provide a copy of same.

The Applicant would like to bring to the Examiner's attention the enclosed search report from a corresponding International or Foreign National Application.

PART V: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

- 1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
- 2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
- 3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

Michael R. Wessels et al., Applicant

By:

MaryDitys S. Anderson, Ph.D.

Reg. No. 52,560

Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

Telephone: (617) 646-8000

Docket No.: B0801.70237US00

Date: May 9, 2005

x05/09/05x